

THIRD DAY

TUESDAY, FEBRUARY 12, 2008

Legislature met pursuant to adjournment.

President Wayne E. Zyra in the Chair.

ROLL CALL

Present — Legislators Adair, Andrews, Barker, Beebe, Bronson, Cassetti, Colby, Cruz, Daniele, Dobson, Driscoll, Esposito, Eckel, Gamble, Gumina, Haney, Hanna, Heider, Kaleh, LaFountain, Lee, Lightfoot, McCann, O'Brien, Quatro, Tucciarello, Valerio, Yolevich, Zyra - 29

Meeting formally opened. At the invitation of Legislator Harry B. Bronson, The Reverend Lawrence Hargrave of Mt. Olivet Baptist Church, delivered the invocation. The Pledge of Allegiance to the Flag was led by Legislator Carrie M. Andrews.

MOTIONS, RESOLUTIONS AND NOTICES

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| 47. | Lee,
Quatro &
Bronson
Intro. 15
Res. 6 | 08-0079 Expressing Regret of the Monroe County Legislature on the Recent Passing of Ricky Lamar Bryant, Jr. – DeKalb County Police Officer
Matter Of Urgency |
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This resolution was read into the record and adopted unanimously with each Legislator rising in his or her place for a moment of silence.

APPROVAL OF MINUTES

Without objection, the journal of the session of Day 2, January 8, 2008 was approved as submitted.

PETITIONS AND COMMUNICATIONS

RECESS

A recess was declared by President Zyra to allow for two **Public Hearings** entitled...

“Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And No. 3 of 2008 To Revise Empire Zone Boundary.” No speakers addressed the Legislature and the hearing concluded at 6:24 P.M.

Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And Nos. 3 And 5 of 2008 To Revise Empire Zone Boundary.” No speakers addressed the Legislature and the hearing concluded at 6:25 P.M.

RECONVENING LEGISLATURE

President Zyra reconvened the recessed meeting of February 12, 2008 and proceeded under the Usual Order of Business.

FORMAL COMMITTEE REPORTS

NONE

PUBLIC FORUM

An Open Forum was conducted to allow speakers to address the Legislature. Fifteen speakers addressed the Legislature on various subjects and the Open Forum concluded at 7:14 P.M.

LOCAL LAWS

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| 1. | Tucciarello & Hanna
Intro. 16
M. 4
29-0 | 08-0004 | Providing That Local Law (Intro. No. 5 of 2008), Entitled "Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And No.3 of 2008 To Revise Empire Zone Boundary," Be Lifted From The Table |
| 2. | Tucciarello & Hanna
Intro. 17
M. 5
29-0 | 08-0004 | Providing That Local Law (Intro. No. 5 of 2008), Entitled "Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And No. 3 of 2008 To Revise Empire Zone Boundary," Be Adopted |
| | Intro. 5
Local Law No. TBA
29-0 | | Main Motion |
| 3. | Tucciarello & Hanna
Intro. 18
M. 6
29-0 | 08-0005 | Providing That Local Law (Intro. No. 8 of 2008), Entitled "Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And Nos. 3 And 5 of 2008 To Revise Empire Zone Boundary" Be Lifted From The Table |
| 4. | Tucciarello & Hanna
Intro. 19
M. 7
29-0 | 08-0005 | Providing That Local Law (Intro. No. 8 of 2008), Entitled "Amending Local Law No. 1 of 2001, As Amended By Local Law Nos. 6 and 8 of 2002, Local Law Nos. 3, 8, and 14 of 2003, Local Law Nos. 2 and 3 Of 2004, Local Law Nos. 6 And 7 of 2005 And Local Law Nos. 2, 3, 6, 9 And 10 Of 2006 And Local Law Nos. 1, 4, 7 And 8 of 2008 And Nos.3 And 5 of 2008 To Revise Empire Zone Boundary" Be Adopted |
| | Intro. 8
Local Law No. TBA
29-0 | | Main Motion |
| 5. | Tucciarello & Hanna
Intro. 20 | 08-0006 | Providing That Resolution (Intro. No. 11 of 2008), Entitled "Eight-Year Review Of Monroe County Eastern Agricultural District #6," Be Lifted From The Table |

29-0

6. Tucciarello & 08-0006 Providing That Resolution (Intro. No. 11 of 2008), Entitled “Eight-Year Review Of Monroe County Eastern Agricultural District #6,” Be Adopted
Hanna
Intro. 21
M. 9
29-0

Intro. 22 Tucciarello/Hanna (*Amendment*)
M. 10 Motion to Amend Intro. 11 to reflect the additions and deletions highlighted in red on the
29-0 proposed amended resolution, which is attached.

Intro. 11 Main Motion
Res. 7 (As Amended by M. 10)
29-0
7. Tucciarello & 08-0008 Enacting a Local Law To Deter The Consumption Of Alcohol By Minors In Monroe County
Colby
Intro. 23 Public Safety Committee; January 22, 2008 – CV: 8-0
(*For Introductory Purposes Only*)
8. Tucciarello & 08-0008 Providing That Local Law (Intro. No. 23 of 2008), Entitled “Enacting a Local Law To Deter The Consumption Of Alcohol By Minors In Monroe County,” Be Tabled
Colby
Intro. 24
M. 11
29-0
9. Tucciarello & 08-0008 Fixing A Public Hearing On Local Law (Intro. No. 23 of 2008), Entitled “Enacting a Local Law To Deter The Consumption Of Alcohol By Minors In Monroe County”
Colby
Intro. 25 (*Public Hearing is Scheduled for Tuesday, March 11, 2008 at 6:15 P.M.*)
Res. 8
29-0

MOTIONS, RESOLUTIONS AND NOTICES

Note: President Zyra took Agenda Item #50 out of Regular Agenda Order

50. Barker & 08-0082 Appointment of Public Defender
Colby Matter Of Urgency
Intro. 26
Res. 9
15-14
(*Legislators Bronson, Andrews, Beebe, Cruz, Esposito, Eckel, Gamble, Gumina, Haney, Heider, Kaleb, Lee, Lightfoot and O'Brien voted in the negative*)
10. Yolevich & 08-0010 Posting Of Agendas And Minutes Of The Monroe County Legislature And Standing Committees On The County Website
Dobson Agenda Charter Committee; January 22, 2008 – CV: 5-0
Intro. 27
Res. 10
29-0
11. LaFountain & 08-0011 Amending Resolution 223 Of 2007 To Require Disclosure of Information On Performance Measures for Additional Contracts Subject To Approval By The Monroe County Legislature
Barker Ways and Means Committee; January 23, 2008 – CV: 10-0
Intro. 28
Res. 11
29-0

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| 12. Barker & LaFountain
Intro. 29
Res. 12
29-0 | 08-0014 | Authorizing A Contract With Michael W. Schank, For Polygraph Services For The Monroe County Office of Probation – Community Corrections
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 13. Barker & LaFountain
Intro. 30
Res. 13
29-0 | 08-0015 | Accepting Grant From The New York State Division Of Criminal Justice Services For The Stop Violence Against Women Program
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 14. Barker & LaFountain
Intro. 31
Res. 14
29-0 | 08-0016 | Accepting Education, Information And Injury Prevention Grant From The New York State Governor’s Traffic Safety Committee
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| Intro. 32
M. 12
29-0 | | Quatro/Bronson
A Motion to Move the Agenda as a Whole. |
| 15. Barker & LaFountain
Intro. 33
Res. 15
29-0 | 08-0017 | Accepting Grant From The New York State Division Of Criminal Justice Services For The 2007 Paul Coverdell Forensic Sciences Improvement Program (Public Safety Laboratory)
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 16. Barker & LaFountain
The
Intro. 34
Res. 16
29-0 | 08-0018 | Accepting Grant From The New York State Department Of Probation And Correctional Alternatives for the Alternatives to Incarceration Classification/Alternatives Program and

Enhanced Drug/Alcohol Treatment Program
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 17. Barker & LaFountain
Intro. 35
Res. 17
29-0 | 08-0019 | Authorizing Contract With Legal Aid Society Of Rochester, NY, Inc. For Legal Representation Services In Family Law And Domestic Violence
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 18. Barker & LaFountain
Intro. 36
Res. 18
29-0 | 08-0020 | Accepting Grant From The New York State Governor’s Traffic Safety Committee For The “Buckle Up New York” Enforcement Campaign
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 19. Barker & LaFountain
Intro. 37
Res. 19
29-0 | 08-0021 | Accepting Grant From The New York State Division Of Criminal Justice Services For The Wheatland –Chili Central School District School Resource Officer Program
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 20. Barker & LaFountain
Center Intro. 38
Res. 20
29-0 | 08-0022 | Amending Resolution 121 Of 2006 To Increase the Rate Of the Intermunicipal Agreement With Oneida County For Providing Security Services At Central New York Psychiatric For Monroe County Inmates
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 21. Barker & | 08-0023 | Authorizing Contract With Debra E. Khani, M.D. To Act As A Consultant Upon Request |

Intro. 39 Res. 21 29-0		Public Safety Committee; January 22, 2008 – CV: 8-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
22. Valerio, Cassetti & LaFountain Intro. 40 Res. 22 29-0	08-0024	Authorizing Contracts With Javen Construction Co., Inc., Crosby-Brownlie, Inc., Connors-Haas, Inc., and Thurston Dudek, LLC, For Construction Of the Monroe Community College Building 9 Phase I Renovations Project; Amending Resolution 258 of 2006 To Change The Funding Source From Capital Fund 1257 To Capital Fund 1432 Recreation and Education Committee; January 22, 2008 – CV: 5-0 Environment and Public Works Committee; January 23, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
23. Valerio, Cassetti & LaFountain Intro. 41 Res. 23 29-0	08-0025	Authorizing Contract With Pathfinder Engineers, LLP For Professional Engineering Services For The Seneca Park Zoo Rocky Coast Exhibit Animal Life Support Improvements Project Recreation and Education Committee; January 22, 2008 – CV: 5-0 Environment and Public Works Committee; January 23, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
24. Valerio & LaFountain Intro. 42 Res. 24 29-0	08-0026	Authorizing Contract With Parrone Engineering For Architectural And Engineering Term Services For The Monroe County Parks Department Recreation and Education Committee; January 22, 2008 – CV: 5-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
25. Dobson, Valerio & LaFountain Intro. 43 Res. 25 29-0	08-0027	Authorizing Contract With the Ontario Beach Park Program Committee Recreation and Education Committee; January 22, 2008 – CV: 5-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
26. Valerio & LaFountain Intro. 44 Res. 26 29-0	08-0028	Authorizing Contract With The Springut Group, Inc. For Ticketed Events In The Highland Park Bowl For The Summer 2008 Concert Series Recreation and Education Committee; January 22, 2008 – CV: 5-0 (As Amended) Ways and Means Committee; January 23, 2008 – CV: 10-0
27. Hanna & LaFountain Intro. 45 Res. 27 29-0	08-0029	Accepting Grant From The New York State Office Of Temporary And Disability Assistance For The Food Stamp Nutrition Education Program Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
28. Hanna & LaFountain Intro. 46 Res. 28 29-0	08-0030	Accepting Grant From The New York State Office Of Temporary And Disability Assistance For The Food Stamp Bonus Plan Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
29. Hanna & LaFountain Intro. 47 Res. 29 29-0	08-0031	Amending Resolution 363 of 2007 To Accept Additional Funding From The New York State Department Of Health For The Primary Prevention Of Childhood Lead Poisoning Pilot Program Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
30. Hanna & LaFountain Intro. 48 Res. 30 29-0	08-0032	Amending Resolution 385 of 2007 To Accept Additional Funding From The New York State Department Of Health For The Tobacco Enforcement Program Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
31. Hanna &	08-0033	Amending Resolution 138 of 2007 To Accept Additional Funding From The New York

Intro. 49 Res. 31 29-0		Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
32. Hanna & LaFountain Intro. 50 Res. 32 29-0	08-0034	Amending Resolution 383 of 2007 To Accept Additional Funding From The New York State Department Of Health For The Healthy Neighborhoods Program Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
33. Hanna & LaFountain Intro. 51 Res. 33 29-0	08-0035	Amending Resolution 382 of 2007 to Accept Additional Funding From The New State Department Of Health For The Consolidated Child And Family Health Program Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
34. Cassetti & LaFountain Intro. 52 Res. 34 29-0	08-0036	Authorizing Contract With Clough Harbour & Associates, LLP For Design Services For The Pavement Management Study Project At The Greater Rochester International Airport Environment and Public Works Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
35. Cassetti & For LaFountain Intro. 53 Res. 35 29-0	08-0037	Accepting Grant From The New York State Department of Environmental Conservation The Environmental Protection Fund Program Environment and Public Works Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
36. Cassetti & LaFountain Intro. 54 Res. 36 29-0	08-0038	Adoption Of Determination and Findings, Land Acquisition; Authorizing Acquisition Of Interests In Real Property For The Greater Rochester International Airport Runway Protection Safety Zone, 654 Beahan Road, Town Of Chili; Amending Lease And Operating Agreement With The Monroe County Airport Authority Environment and Public Works Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
37. Dobson & Barker Intro. 55 Res. 37 29-0	08-0039	Authorizing Intermunicipal Agreements With Other Counties For Forensic Laboratory Services Provided By The Public Safety Laboratory Intergovernmental Relations Committee; January 23, 2008 – CV: 4-0 Public Safety Committee; January 22, 2008 – CV: 8-0
38. Dobson, Barker & LaFountain Intro. 56 Res. 38 29-0	08-0040	Authorizing An Intermunicipal Agreement With The City Of Rochester For Downtown Patrol Services Intergovernmental Relations Committee; January 23, 2008 – CV: 4-0 Public Safety Committee; January 22, 2008 – CV: 8-0 Ways and Means Committee; January 23, 2008- CV: 10-0
39. Dobson, Hanna & LaFountain Intro. 57 Res. 39 29-0	08-0041	Authorizing Intermunicipal Agreements With Other Counties For Services Provided By The Monroe County Medical Examiner's Office Intergovernmental Relations Committee; January 23, 2008 – CV: 4-0 Human Services Committee; January 22, 2008 – CV: 6-0 Ways and Means Committee; January 23, 2008 – CV: 10-0
40. Colby & Surveyors LaFountain The Intro. 58 Res. 40 29-0	08-0042	Authorizing Contract For Engineering Services With Popli Consulting Engineers & And Authorizing Contract With The New York State Department Of Transportation For Mill Road Phase II Project In The Town Of Greece Transportation Committee; January 23, 2008- CV: 9-0 Ways and Means Committee; January 23, 2008 – CV: 10-0

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| 41. LaFountain & Barker
Intro. 59
Res. 41
29-0 | 08-0043 | Accepting Of A Grant From The New York State Education Department For The Enhancement And Expansion Of The Monroe County Clerk's Online Office
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 42. LaFountain & Barker
Intro. 60
Res. 42
29-0 | 08-0044 | Authorizing The Sale Of County Owned Tax Foreclosure Property In The Town Of Irondequoit
Ways and Means Committee; January 23, 2008 – CV: 10-0 |
| 43. Barker & LaFountain
Intro. 61
Res. 43
29-0 | 08-0045 | Authorizing Contract With Correctional Medical Care, Inc. (CMC), For The Provision Of Necessary Medical And Mental Health Care And Treatment To The Inmates Under The Care And Custody Of Monroe County Sheriff At The Sheriff's Jail Facilities
Public Safety Committee; January 22, 2008 – CV: 8-0
Ways and Means Committee; January 23, 2008- CV: 10-0 |

Matters of Urgency

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| 44. Barker & Colby
Intro. 62 | 08-0046 | A Local Law Entitled "Prohibiting The Public Defender From Engaging In Political Activity"
Matter Of Urgency
<i>(For Introductory Purposes Only)</i> |
| 45. Barker & Colby
Intro. 63
M. 13
29-0 | 08-0046 | Providing That Local Law (Intro. No. 62 of 2008), Entitled "Prohibiting The Public Defender From Engaging In Political Activity" Be Tabled
Matter Of Urgency |
| 46. Barker & Colby
Intro. 64
Res. 44
29-0 | 08-0046 | Fixing A Public Hearing On Local Law (Intro. No. 62 of 2008), Entitled "Prohibiting The Public Defender From Engaging In Political Activity"
<i>(Public Hearing is scheduled for Tuesday, March 11, 2008 at 6:16 P.M.)</i>
Matter Of Urgency |
| 48. Yolevich & Dobson
Intro. 65
Res. 45
29-0 | 08-0080 | Designation of Official Newspaper
Matter Of Urgency |
| 49. LaFountain & Barker
Intro. 66
Res. 46
29-0 | 08-0081 | Authorizing Contract With Gary M. Spinelli For Computer Consulting Services
Matter Of Urgency |

UNFINISHED BUSINESS

Upon Motion by Legislator Quatro, the Legislature adjourned at 8:29 P.M. until Tuesday, March 11, 2008 at 6:00 P.M.

DAVID M. BARRY, JR.
Clerk of the Legislature